

FILED
Clerk
District Court

JUN 19 2008

UNITED STATES DISTRICT COURT For The Northern Mariana Islands
NORTHERN MARIANA ISLANDS By _____
(Deputy Clerk)

UNITED STATES OF AMERICA,) Criminal Case No. 08-00014
)
Plaintiff,)
)
v.) **ORDER REGARDING**
) **DISCLOSURE OF REDACTED**
LAWRENCE KALEN; and) **INFORMATION**
MANUEL ALDAN SABLAN,)
)
Defendants.)
_____)

THIS MATTER came before the Court on June 5, 2008 for hearing of several motions, including defendant Manuel Aldan Sablan's motion requesting prosecution to serve discovery responses on counsel for Mr. Manuel Sablan, which all other defendants joined. Plaintiff appeared by and through its attorney, Assistant U.S. Attorney Eric O'Malley; defendant Gregory Sablan Kalen appeared personally and by and through his attorney, F. Matthew Smith; defendant Lawrence Kalen appeared personally and by and through his attorney, Bruce Berline; and defendant Manuel Aldan Sablan appeared personally and by and through his attorney, David Banes. Most discovery issues were resolved prior to the hearing. However, the defendants' request for un-redacted versions of certain discovery material remained. Defendants requested *in camera* review of the redacted material; the government did not object.

RECEIVED

JUN 19 2008

Clerk
District Court
The Northern Mariana Islands

1
2 On June 9, 2008, counsel for the parties convened in chambers to discuss, among other
3 things, the redacted information. Most of said information was found in U.S. Drug
4 Enforcement Administration Form-6 Reports of Investigation (referred to commonly as a
5 "DEA-6"). DEA Special Agent Michael Byerley also attended to answer questions regarding
6 the redacted materials. The remaining redacted materials at issue pertained to the
7 confidential source's criminal background and history of working as a confidential source in
8 other cases.

9
10 The defendants did not object to continued concealment of internal government and
11 DEA tracking numbers, file titles, codes, and identifiers, but argued for disclosure of the
12 other substantive information contained in each DEA-6's "indexing" section. Special Agent
13 Byerley explained that DEA policy mandated redaction of this section because it often
14 contained information regarding ongoing investigations and identified persons not yet
15 charged. The Court noted that much of the information concerned the defendants themselves,
16 and ordered that this information be disclosed immediately.

17 As to the remaining information, the court hereby ORDERS AS FOLLOWS:

- 18
19 1. That the remaining substantive information contained in the indexing sections of each
20 DEA-6 shall be disclosed to defendants no later than three weeks prior to trial if the
21 subjects of that information have not been indicted, *unless* the government can
22 demonstrate that said disclosure would jeopardize the safety of an informant or a
23 witness;
24
25 2. That all information regarding the confidential informant, including his history of
26 working with local or federal law enforcement, be disclosed promptly upon the
27 government's verification that said disclosure will not compromise any ongoing and
28

unrelated investigation. Specific information regarding ongoing and unrelated investigations need not be disclosed.

DATED this ²¹~~19~~ day of June, 2008.



ALEX R. MUNSON

Chief Judge

APPROVED AS TO FORM:



BRUCE BERLINE, ESQ.

Counsel for Defendant Kalen



DAVID G. BANES, ESQ.

Counsel for Defendant Sablan